

CITY COMMISSION MEETING AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
October 5, 2016 at 1:30 pm

1. Members present: Mayor Gilligan

<u>Vice Mayor Mlynar</u>	<u>Commissioner Geitz</u>
<u>Commissioner Harmon</u>	<u>Commissioner Giefer</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Jim Witt</u>	<u>City Attorney Montgomery</u>
2. Consent Agenda
3. Public Comment
4. Consider Accepting Permanent Utility Easements from Hidden Lakes and Trail Association Inc., for Proposed Sanitary Sewer and Storm Sewer Improvements.
5. Consider Approval of a Resolution to Submit a Grant Application to The Kansas Housing Resources Corporation, Moderate Income Housing Program.
6. Consider Approval of Resolution Regarding MUPP Board.
7. Consider a Resolution for 2016 General Obligation Bond Program.
8. Consider Ordinance Authorizing 2016 General Obligation Bond Program.
9. Standard Traffic Ordinance for 2016.
10. Report from City Manager's Office.
11. City Commission Reports and Comments.
12. Executive Session
13. Adjourn



AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 2

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items. Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Commission Meeting held on August 17, 2016.
- b. Consider ratification of Payroll Ordinance for the period ending on September 2, 2016.
- c. Consider Set Bid Date and Time for New Pickup Truck Purchases.

RECOMMENDATION:

- a. Approve Minutes
- b. Approve Payroll
- c. Approve Set Bid Date and Time

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 2c

SUBJECT: Set 2:00 p.m. October 26, 2016, as the time and date to receive bids for four new pickup trucks.

RECOMMENDATION: Set the time and date.

BACKGROUND SUMMARY:

The pickup for Sewer Maintenance will be equipped with a locking utility bed for carrying tools and repairs. It will be replacing (#414) a 2000 Ford with 116,000 miles on it. This Ford will be transferred to the City Maintenance Shop replacing (#301) a 2002 Chevy. #301 will be transferred to the Golf Course. The pickup being replaced at the Golf Course will be sold at a later date. There is \$45,000.00 budgeted for this purchase.

Water Service will be replacing two pickups, one 2008 Chevy with 125,000 miles (#404) and a 2001 Ford with 141,000 miles (#407). The new replacement pickup's will be medium sized pickups with extended cabs that will provide some inside storage for tools and equipment that are temperature sensitive and need to be locked up. The trucks will have a 6-foot bed to carry larger tools such as the long shut off keys. The small pickups have proven to be too small and therefore less efficient for this application. The Chevy being replaced is a Colorado and is the size that is being bid to replace both pickups. There is \$50,000.00 budgeted for these purchases.

The Street department will be purchasing a 1-ton cab and chassis with a dumping flatbed. The truck will be equipped with central hydraulics so that a salt spreader can be used on it. The replacement truck will be transferred or sold at a later date. There is \$50,000.00 budgeted for this purchase. We will be offering two old Police cars for trade in also.

ACTION RECORD

Action: _____

Motion: _____ Second: _____
Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

Proclamation Naming October as Domestic Violence Awareness Month-*to Accept Connie Cahoone & Heather Wedel.*

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____



PROCLAMATION

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender and income levels; and

WHEREAS, domestic violence is widespread and affects more than four million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children who grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

NOW, THEREFORE, BE IT RESOLVED, I Robert F. Gilligan, Mayor for City of Emporia, Kansas, proclaims the month of October as

Domestic Violence Awareness Month

and urge the citizens of Emporia to work together to eliminate domestic violence from our community.

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 4

SUBJECT: Consider accepting Permanent Utility Easements from Hidden Lakes and Trail Association Inc., for proposed sanitary sewer and storm sewer improvements.

RECOMMENDATION: Recommend acceptance of permanent utility easements from Hidden Lakes and Trail Association Inc.

BACKGROUND SUMMARY:

These permanent public utility easements grant the City permission to construct, operate, access and maintain public services for the new Hidden Vista subdivision. BG Consultants, Inc. has prepared the easement descriptions, and exhibit map.

The easement exhibit map is attached along with a copy of both signed and notarized utility easements for your consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

PERMANENT PUBLIC UTILITY EASEMENT

This indenture made the 15th day of September, 2016, between Hidden Lakes and Trail Association Inc., hereinafter called First Party and the City of Emporia, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter called Second Party.

WITNESSETH, That the said First Parties in consideration of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, do by these presents grant unto the Second Party, its successors and assigns, a permanent public utility easement, subject to the terms and conditions hereinafter set forth over, across, and under the following described real property in Lyon County, Kansas, for the purpose of permitting the Second Party to erect, construct, install, and thereafter use, operate, maintain, repair, replace, and remove a public utility and related facilities, to wit:

A TRACT OF LAND LOCATED IN LOT 25, HIDDEN LAKES SUBDIVISION, AN ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 25; THENCE ALONG THE EAST LINE OF SAID LOT 25. S. 08°54'53" W. 25.30 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID LOT 25. N. 89°54'20" W. 159.12 FEET; THENCE PERPENDICULAR TO THE NORTH LINE OF SAID LOT 25. N. 00°05'40" E. 25.00 FEET TO THE NORTH LINE OF SAID LOT 25; THENCE ALONG THE NORTH LINE OF SAID LOT 25. S. 89°54'20" E. 163.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES (INCLUDING 0.04 ACRES OF EXISTING UTILITY EASEMENT AND 0.05 ACRES OF ADDITIONAL PERMANENT SANITARY SEWER EASEMENT)

The duration of the easement herein granted shall be perpetual, unless the Second Party agrees to terminate or abandon its use of the same for the stated purpose. Second Party, its contractors and assigns shall take all reasonable steps to restore and revegetate any ground areas disturbed by the utility construction or related activities in the permanent easement herein granted. The parties acknowledge and agree that the First Party, its heirs, successors or assigns, shall be entitled at all times to travel over the easements, and to conduct any and all activities which they may desire to conduct provided the same does not unreasonably interfere with the Second Party's use of said easement for the construction, installation, maintenance, repair, operation or use of the public utility.

IN WITNESS WHEREOF, The First Party has executed this instrument the day and year first above written.

Hidden Lakes and Trail Association Inc



Name:

ACKNOWLEDGMENT

State of Kansas)
) ss:
County of Lyon)

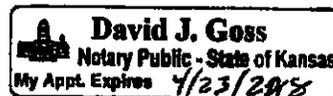
BE IT REMEMBERED, That on this 15th day of September, A.D., 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Jamie Squider, who is/are personally known to me to be the same person(s) who executed the above instrument of writing and such person(s) duly acknowledge(s) the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Notary Public

My Commission Expires:
4/23/2018



PERMANENT PUBLIC UTILITY EASEMENT

This indenture made the 15th day of September, 2016, between Hidden Lakes and Trail Association Inc., hereinafter called First Party and the City of Emporia, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter called Second Party.

WITNESSETH, That the said First Parties in consideration of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, do by these presents grant unto the Second Party, its successors and assigns, a permanent public utility easement, subject to the terms and conditions hereinafter set forth over, across, and under the following described real property in Lyon County, Kansas, for the purpose of permitting the Second Party to erect, construct, install, and thereafter use, operate, maintain, repair, replace, and remove a public utility and related facilities, to wit:

THE SOUTH 20 FEET OF LOT 25, HIDDEN LAKES SUBDIVISION, AN ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF SAID LOT 25; THENCE ALONG THE WEST LINE OF SAID LOT 25. N. 17°44'13" W. 24.78 FEET; THENCE PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 25. N. 36°04'49" E. 130.31 FEET TO THE EAST LINE OF SAID LOT 25; THENCE ALONG THE EAST LINE OF SAID LOT 25. S. 00°05'53" E. 33.88 FEET; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 25. S. 36°04'49" W. 117.59 FEET TO THE POINT OF BEGINNING, CONTAINING 0.057 ACRES OF PERMANENT STORM WATER EASEMENT. (THE ABOVE DESCRIPTION INCLUDES 0.024 ACRES OF EXISTING PERMANENT UTILITY EASEMENT AND 0.033 ACRES OF ADDITIONAL PERMANENT STORM WATER EASEMENT)

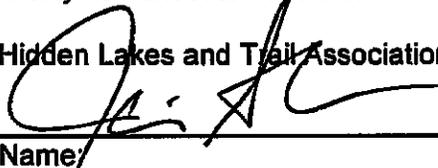
[Faint signature and stamp]

The duration of the easement herein granted shall be perpetual, unless the Second Party agrees to terminate or abandon its use of the same for the stated purpose. Second Party, its contractors and assigns shall take all reasonable steps to restore and revegetate any ground areas disturbed by the utility construction or related activities in the permanent easement herein granted. The parties acknowledge and agree that the First Party, its heirs, successors or assigns, shall be entitled at all times to travel over the easements, and to conduct any and all activities which they may desire to conduct provided the same does not unreasonably interfere with the Second

Party's use of said easement for the construction, installation, maintenance, repair, operation or use of the public utility.

IN WITNESS WHEREOF, The First Party has executed this instrument the day and year first above written.

Hidden Lakes and Trail Association Inc


Name: _____

ACKNOWLEDGMENT

State of Kansas)
) ss:
County of Lyon)

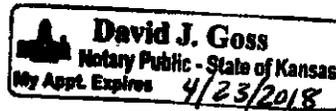
BE IT REMEMBERED, That on this 15th day of September, A.D., 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Jamie Sauder, who ~~is~~ are personally known to me to be the same person(s) who executed the above instrument of writing and such person(s) duly acknowledge(s) the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Notary Public

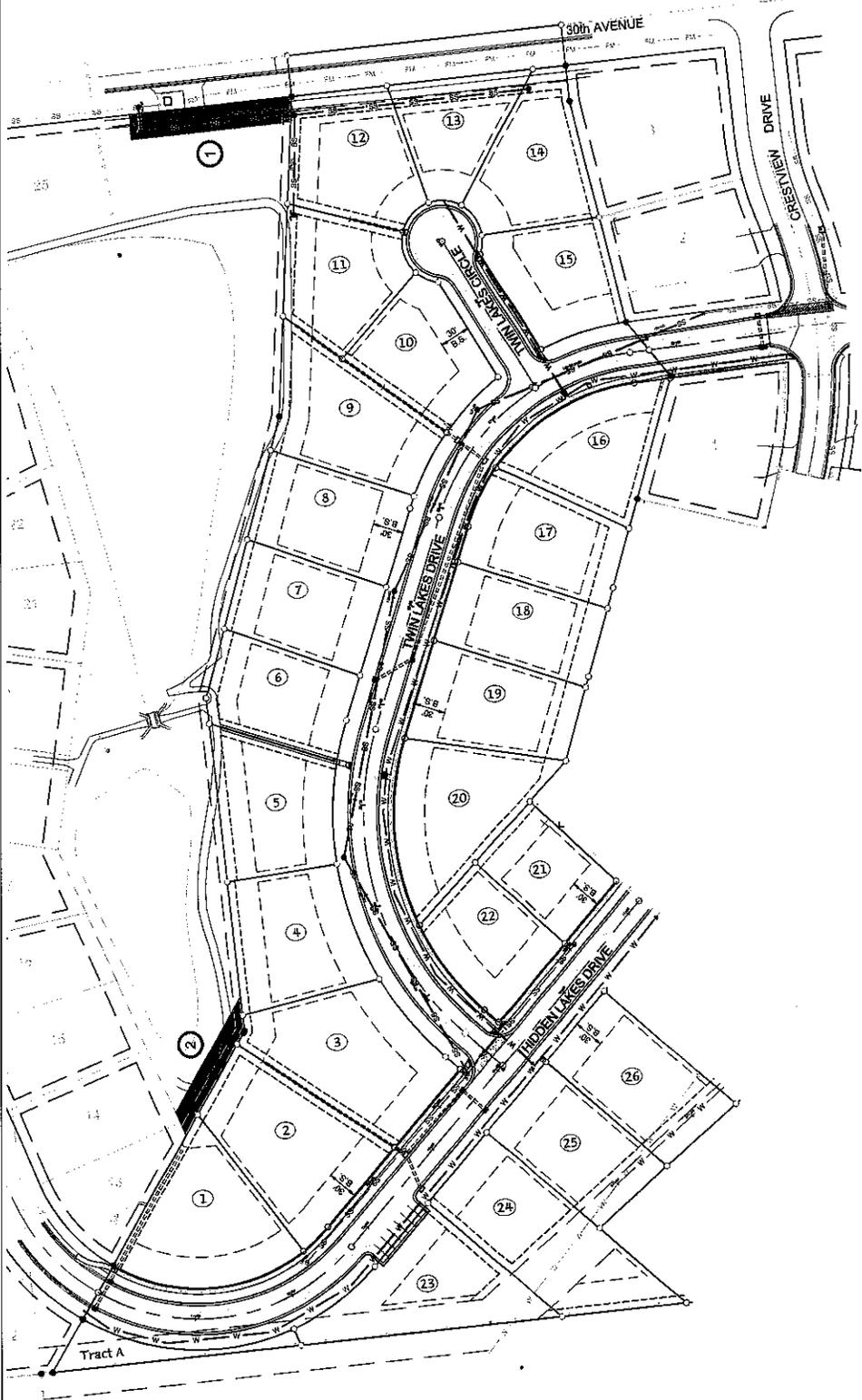
My Commission Expires:
4/23/2018



NO.	REVISIONS	DATE	INITIALS

HIDDEN VISTA, EMPORIA KANSAS
EASEMENT EXHIBIT MAP

Engineer:	DAG
Drafter:	DAG
Date:	9-13-16
Project No.:	16-1152E
Sheet No.:	1 of 1



LEGEND

- ① SANITARY SEWER EASEMENT
- ② STORM WATER EASEMENT



AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 5

SUBJECT: Consider approval of a Resolution to submit a grant application to the Kansas Housing Resources Corporation, Moderate Income Housing Program to provide funding to develop single-family homes.

RECOMMENDATION: Approve Resolution

BACKGROUND SUMMARY:

In order to provide more affordable housing and to replace homes that have been demolished over the years in the older neighborhoods, providing an in-fill housing development program could make a great improvement to the City's housing stock. Since 2008, over 120 dilapidated single-family homes have been razed through the demolition program, and through condemnation, creating empty lots.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

RESOLUTION NO. _____

**A RESOLUTION OF THE GOVERNING BODY OF THE
CITY OF EMPORIA, KANSAS, CERTIFYING LEGAL AUTHORITY
TO APPLY FOR THE KANSAS MODERATE INCOME HOUSING
PROGRAM REQUEST FOR PROPOSAL.**

WHEREAS, an eligible applicant may be any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000; and

WHEREAS, the City of Emporia, Kansas (the "City") has an estimated population of approximately 24,787, and therefore constitutes a city as said term is defined in this Request For Proposal; and

WHEREAS, the Governing Body of the City has agreed to the following commitments for the purpose of carrying out the proposed project:

1. Providing a grant administrator
2. Waiving of all City building permits and inspection fees
3. Donation of 5 residential city owned lots
4. \$50,000 bridge construction loan

WHEREAS, the City of Emporia intends to submit an application for assistance from the Kansas Housing Resources Corporation, Moderate Income Housing Program.

THE APPLICANT hereby authorizes the MAYOR of EMPORIA, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the KANSAS MODERATE INCOME HOUSING PROGRAM.

APPROVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 5th day of October, 2016.

(SEAL)

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 6

SUBJECT: Consider Approval of Joint City/County Resolution Regarding MUPP Board.

RECOMMENDATION: Approve Resolution

BACKGROUND SUMMARY

City Staff, in conjunction with County Staff, has prepared a Joint Resolution which would establish a joint City and County Multi-Use Path Planning Board. If approved, this Joint MUPP board will replace the current City MUPP board. The Joint MUPP board will remain an advisory board. It will consist of 12 members, half to be appointed by the City and half to be appointed by the County.

ACTION RECORD

Action: _____

Motion: _____ Second: _____
Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

JOINT ENACTMENT

CITY OF EMPORIA RESOLUTION NO. _____

LYON COUNTY COMMISSION REOLUTION NO. _____

A JOINT ENACTMENT OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, AND THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS ESTABLISHING THE JOINT MULIT-USE PATH PLANNING BOARD.

WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas desire to promote and develop multi-use paths and routes within the City and the County; and

WHEREAS, the Governing Body of the City of Emporia previously adopted Resolutions No. 3332, No. 3341, and No. 3505 establishing the City Multi-Use Path Planning Board (MUPP Board);

WHEREAS, the Board of County Commissioners of Lyon County desires to collaborate with the City of Emporia in the promotion and development of multi-use paths and routes within the City and County; and

WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas recognize the need for a Joint Multi-Use Path Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas as follows:

Section 1. THAT City Resolution No. 3505 is hereby repealed.

Section 2. THAT the City of Emporia and the County of Lyon do hereby create a joint advisory board to be known as "The Joint Multi-Use Path Planning Board." The Joint Multi-Use Path Planning Board shall consist of twelve (12) members who are residents of Emporia and Lyon County and over the age of 16 with an interest in developing multi-use paths. The City Governing Body shall appoint six (6) members and the County Commission shall appoint six (6) members. The term of office of each member of the committee shall be three (3) years or until his or her successor is appointed. Members of the committee shall serve no more than two (2) successive three (3) year terms in addition to any unexpired term to which they may have been appointed. Members may be eligible for reappointment after one year of non-membership, unless they were removed from the Board due to non-attendance, in which case they may be eligible for reappointment after 3 years.

There is currently in existence a City Multi-Use Path Planning Board with members serving staggered terms which shall constitute the present board, and the members thereof shall continue in their position until they resign, are removed from office, or their term expires.

Members of the board may establish standards of participation for the membership which if violated may result in the board recommending the removal of that member from the board. Any member of the board who misses more than three (3) consecutive meetings, or five (5) meetings in a period of one (1) year, without an excuse accepted by a majority of the board, shall be deemed to have vacated his or her position on the board.

The board shall hold regular meetings at such times and dates as are established by a majority vote of the board, and shall have an organizational meeting at which time it shall provide for the drafting of by-laws, election of officers, terms of office, voting and such other matters as may be deemed necessary for the operation of the Board.

Section 3. THAT it shall be the responsibility of the Board to study multi-use/bicycle path planning, existing multi-use path resources, potential grant programs through the State or Federal governments, and other topics pertaining to multi-use paths. The Board, when requested by the City Commission or County Commission, shall investigate and make findings and recommendations upon any special matter or question coming within the scope of its work. The Board shall meet at least annually with the City Commission and County Commission to report on its activities. The City or County shall provide a meeting place. The City and County shall both provide staff resources to further the activities of the Board, but the Board shall not have an annual budget, or be authorized to obligate the City or County to any expenditure of funds.

This Resolution shall become effective upon its adoption by the Governing Body of the City of Emporia and the Board of County Commissioners of Lyon County, Kansas.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this ____ day of October, 2016.

Rob Gilligan, Mayor

Attest:

Kerry Sull, City Clerk

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS, this ____ day of October, 2016.

Rollie Martin, Chairman

Attest:

Tammy Vopat, County Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 7

SUBJECT: Consider a Resolution for General Obligation Bonds.

RECOMMENDATION: Approve Resolution

BACKGROUND SUMMARY:

The Resolution authorizes the Offering of the 2016 GO Bond Program for the City. Authorizations for each project has been previously approved by the Commission:

Additional funds for Ozone replacement project	\$400,000
Water Main replacement at Sylvan 6 th to 12 th & 15 th State to Center	545,000
Water Main replacement on 18 th from W Wilman Ct to Rural	120,000
Water Main replacement on E Wilman	400,000
Raw Water line replacement from Plant to River	<u>700,000</u>
	\$2,165,000
Purchase Rescue Truck	\$450,000
Purchase Ambulance	<u>225,000</u>
	\$675,000
Total to Bond	\$2,840,000

We will also be refinancing the 2007B, 2009A and 2010 GO Bonds with an estimated savings of \$71,000.

ACTION RECORD

Action: _____

Motion: _____ Second: _____
Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

(Published in *the Emporia Gazette* on October 11, 2016)

ORDINANCE NO. 16-__

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC WATER SYSTEM IMPROVEMENTS, ACQUIRE AN AMBULANCE AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF.

WHEREAS, the City of Emporia, Kansas (the "City") is a duly organized city of the first class created and existing under the laws of the State of Kansas; and

WHEREAS, K.S.A. 65-163d through K.S.A. 65-163u (the "Water Act") authorizes a municipality that operates a public water supply system, as defined in the Water Act, to acquire, construct, reconstruct, improve, extend, rehabilitate and equip all or any of a public water supply system and issue general obligation bonds to pay the costs of such improvements; provided the improvement is not related to the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501; and

WHEREAS, the City is a municipality operating a public water supply system as defined in the Water Act: and

WHEREAS, the governing body of the City finds it desirable and necessary authorize the following improvements to the City's water utility system and provide funds to pay the costs of the improvements by issuing general obligation bonds of the City, as follows:

- a. Additional costs for replacing the ozone generation equipment and related facilities at the water treatment plant, as previously authorized by Ordinance No. 15-10, with such additional costs estimated at \$400,000;
- b. Replacing water mains along Sylvan Street from 6th Street to 12th Street and on 15th from State Street to Center Street, at an estimated cost of \$545,000;
- c. Replacing water mains along 18th Street from W. Wilman Ct. to Rural Street at an estimated cost of \$120,000;
- d. Replacing water mains along E. Wilman Street at an estimated cost of \$400,000;
- e. Installation of a raw water line from the Cottonwood River to the water treatment plant at an estimated cost of \$700,000; (a. through e. collectively referred to as the "Water Improvements"); and

WHEREAS, the Water Improvements are not related to the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501.

WHEREAS, pursuant to Article 12, §5 of the Kansas Constitution (the "Home Rule Amendment"), the City is authorized to determine its local affairs and government except when limited or prohibited by an enactment of the state legislature applicable uniformly to all cities of the same class; and

WHEREAS, no enactment of the state legislature exists to limit or prohibit the exercise of the City's authority under the Home Rule Amendment to authorize issuance of general obligation bonds to fund the acquisition of the equipment described herein; and

WHEREAS, the governing body of the City finds it necessary to acquire certain equipment to assist in providing public safety and health services, particularly an ambulance, at an estimated cost of \$225,000 (the "Equipment"); and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

Section 1. Authorization of Project. The acquisition and construction of the Water Improvements and the Equipment (collectively, the "Project") are authorized and directed to be completed pursuant to the Water Act and the Home Rule Amendment (collectively the "Act") and as described in the plans and specifications approved by this body and the City's staff.

Section 2. Payment of Project Costs. The estimated costs of the Project to be paid by the City is \$2,615,000, and such cost, plus the necessary cost of financing the Project, is authorized to be paid city-at-large through the issuance of general obligation bonds of the City as provided by the Act or from other available funds of the City. Temporary notes of the City may be issued to pay for a portion of the costs of the Project until the general obligation bonds authorized by this Ordinance are issued.

Section 3. Reimbursement. The obligations authorized by this Ordinance or other obligations of the City are authorized to reimburse expenditures made by the City 60 days before the effective date of this Ordinance and thereafter, as provided in United States Treasury Regulation § 1.150-2.

Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication one time in the City's official newspaper.

PASSED AND APPROVED by the governing body of the City of Emporia, Kansas on October 5, 2016.

CITY OF EMPORIA, KANSAS

[Seal]

By _____
Robert F. Gilligan, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The City Commission of the City of Emporia, Kansas, met in regular session, at the usual meeting place in the City on October 5, 2016, at 1:30 p.m., with Mayor Robert F. Gilligan presiding, and the following members of the governing body present:

The following members were absent:

Among other business, there came on for consideration and discussion the following:

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC WATER SYSTEM IMPROVEMENTS, ACQUIRE AN AMBULANCE, AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF.

After discussion, upon motion by Commissioner _____, seconded by Commissioner _____, the Ordinance was passed by a majority of the members elect.

The ordinance was designated Ordinance No. 16-__.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of an October 5, 2016 regular meeting of the governing body of the City of Emporia, Kansas.

[Seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 8

SUBJECT: Consider the Ordinance for Authorizing GO Bonds.

RECOMMENDATION: Mayor Sign Ordinance

BACKGROUND SUMMARY:

The Ordinance authorizes General Obligation Bonds to be issued for various water system improvements and acquire an ambulance.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS AUTHORIZING AND PROVIDING FOR THE UNDERWRITING AND OFFERING FOR SALE OF THE CITY'S GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2016 IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$5,000,000.

WHEREAS, the City of Emporia, Kansas (the "City") has selected the firm of Piper Jaffray & Co., Leawood, Kansas (the "Underwriter") to underwrite approximately \$5,000,000 aggregate principal amount of the City's General Obligation Refunding and Improvement Bonds, Series 2016 (the "Bonds") to (i) provide for the advance refunding of the City's outstanding General Obligation Bonds, Series 2009-A, the current refunding of the City's outstanding General Obligation Refunding and Improvement Bonds, Series 2007-B and General Obligation Refunding and Improvement Bonds, Series A, 2010 (collectively, the "Refunded Bonds") and (iii) to pay costs of water system improvements, the acquisition of public safety equipment (the "Project"), and to pay the costs of issuing such bonds; and

WHEREAS, the City desires to authorize the Underwriter to offer the Bonds for sale and take such other actions as are necessary to offer the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. Authorization of Bond Offering. The Underwriter is authorized to proceed with offering for sale of the General Obligation Refunding and Improvement Bonds, Series 2016 in the approximate principal amount of \$5,000,000 (the "Bonds"), to refund and defease the Refunded Bonds, pay the costs of the Project (all as defined above) and to pay costs of issuing the Bonds.

SECTION 2. Authorization Preliminary Official Statement and Official Statement. The Underwriter is authorized and directed to prepare or provide for the preparation of a Preliminary Official Statement for the Bonds. The Mayor is authorized to execute the Preliminary Official Statement on behalf of the City. The City consents to and authorizes the Underwriter to use and publicly distribute the Preliminary Official Statement (but only in its entirety) to prospective purchasers of the Bonds. Upon a successful offering of the Bonds, the Underwriter is authorized to prepare or provide for the preparation of a final Official Statement by amending, supplementing and completing the Preliminary Official Statement and the City authorizes the execution of the final Official Statement by its Mayor or acting Mayor, with such changes and additions as such officer deems appropriate. The final Official Statement is authorized to be distributed to the public (in its entirety) in connection with the offering and sale of the Bonds.

SECTION 3. SEC Rule Compliance; Continuing Disclosure. To permit the Underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "SEC Rule") the Mayor or the City Clerk are authorized, if requested to do so, to certify that the City deems the information in the Preliminary Official Statement "final" as of

its date except for the omission of information as permitted by the SEC Rule and to take such other actions as such officers find necessary to permit the Underwriter to comply with the SEC Rule. The City agrees that, on or before the date the Bonds are delivered, it will enter into a written undertaking to provide continuing disclosure about the City while the Bonds remain outstanding, if required by the applicable sections of the SEC Rule.

SECTION 4. MSRB Rule Compliance. The City acknowledges receipt of written disclosures from the Underwriter stating that the Underwriter is engaged with respect to the Bonds as an underwriter and not as a financial advisor or municipal advisor and, as such, the Underwriter is not acting as an advisor to the City and does not owe a fiduciary duty to the City pursuant to Section 15B of the Securities and Exchange Act or under any applicable state law.

SECTION 5. Authorization of Additional Actions as Required. The Mayor, the City Clerk, the Underwriter and Triplett, Woolf & Garretson, LLC, as the City's Bond Counsel, are each authorized and directed to take all such other actions as are necessary to complete the offering and issuance of the Bonds, including but not limited to, providing any necessary notice of the City's intent to redeem the Refunded Bonds on their projected redemption dates of December 15, 2016.

SECTION 6. Effective Date. This Resolution shall be in force and take effect from and after its adoption and approval by the governing body.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas on
October 5, 2016.

CITY OF EMPORIA, KANSAS

[Seal]

By _____
Robert F. Gilligan, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas, met in regular session at the usual meeting place in the City on October 5, 2015, at 1:30 p.m., with Mayor Robert F. Gilligan presiding, and the following members of the governing body present:

The following members were absent:

A Resolution was presented entitled:

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS AUTHORIZING
AND PROVIDING FOR THE UNDERWRITING AND OFFERING FOR SALE
OF THE CITY'S GENERAL OBLIGATION REFUNDING AND
IMPROVEMENT BONDS, SERIES 2016 IN THE APPROXIMATE
AGGREGATE PRINCIPAL AMOUNT OF \$5,000,000.

The Resolution was considered and discussed; and on motion of _____,
seconded by _____, the Resolution was adopted by a majority vote of the members
present. The Resolution was assigned No. ____.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the October 5, 2016 meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 9

SUBJECT: Standard Traffic Ordinances 2016

RECOMMENDATION: Mayor Sign Ordinance

BACKGROUND SUMMARY:

The League of Kansas Municipalities publishes the Standard Traffic Ordinances for Kansas Cities incorporating the most recent legislative changes which affect city ordinances. The legislature made the following changes to the traffic laws for 2016:

Section 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties. This amendment changes the driving under the influence sentencing designations. Prior conviction for refusal to submit to a breath test will no longer be counted as a previous DUI conviction.

Section 30.1. Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties. This amendment changes the driving commercial motor vehicle while under the influence sentencing designations. Prior conviction for refusal to submit to a breath test will no longer be counted as a previous DUI conviction.

Section 30.2 Preliminary Breath Test. Refusal to submit to a preliminary breath test will no longer be a traffic violation for which a person may be charged. It will continue to be authorized for use by law enforcement for investigation purposes.

Section 30.2.1 Refusal to Submit to Alcohol or Drug Test. This section has been deleted. It is no longer a chargeable offense.

Section 175.1 Compression Release Engine Braking System. This amendment adds a definition stating that "compression release engine braking system" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism. This term was previously not defined.

ACTION RECORD

Action: _____

Motion: _____ Second: _____
Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE AND AMENDMENTS THERETO, AMENDING SECTION 25-21 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, 1983 AS AMENDED, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. That Section 25-21 of the Code of the City of Emporia, Kansas, 1983, as amended, is hereby amended to read as follows:

Section 25-21. Adopted; Amendments and Deletions:

(a) *Adopted:* There is hereby incorporated by reference, for the purpose of regulating traffic within the corporate limits of the City, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", 44th Edition, 2016, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Section 25-21 of the Code of the City of Emporia, Kansas, 1983", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of this Ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

(b) *Amendments and Deletions:* The Standard Traffic Ordinance for Kansas Cities, 44th Edition, 2016, is hereby amended in the following respects:

(1) Section 2 shall be amended by the addition of subparagraph (c) as follows:

“(c) Articles 7, 8, 9, 10, 11, 13 and 14 of The Standard Traffic Ordinance for Kansas Cities, 41st Edition, 2013, shall be applied to private drives, private parking areas and private streets within the corporate limits of the City of Emporia, Kansas, only if requested in writing by the owner of the property and authorized by the Governing Body with appropriate signage stating, ‘THE TRAFFIC ORDINANCES OF THE CITY OF EMPORIA, KANSAS, AS AMENDED, ARE ENFORCED UPON THIS PROPERTY PURSUANT TO CITY CODE SEC. 25-21.’”

(2) Sections 30(i), 30.4 and 105 are hereby deleted.

- (3) Section 85(b)(1) is amended to read as follows:

"(1) In front of or within five (5) feet of a public or private driveway."

- (4) Section 85(c) is amended by adding new subparagraph (3) to read as follows:

"(3) At any place where the curb has been painted yellow."

- (5) Section 88 is amended by adding new subparagraph (c) to read as follows:

"(c) Advertising or promoting the sale of merchandise, wares or goods, the selection of any public official, or any public or private event."

- (6) Section 126 is hereby deleted.

- (7) Section 103 is amended to read as follows:

"No person, except an authorized emergency vehicle operated by Emporia Fire Department, shall operate any motor vehicle on the streets, alleys, or roadways of the City while wearing headphones which in any way interfere with hearing of traffic noise or warning devices or signals."

- (8) Section 114.2 is amended by adding the following subparagraph:

"(d) Micro utility trucks may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city. No micro utility truck shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated. Every person operating a micro utility truck on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. A violation of this section shall be deemed an ordinance traffic infraction. No person shall operate a micro utility truck on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2007 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect."

(9) Section 114.4 is amended by adding the following subparagraph:

“(d) A golf cart may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city. Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. A violation of this section shall be deemed an ordinance traffic infraction. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver’s license. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2009 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.”

(10) Section 114.5 is amended by adding the following subparagraph:

“(c) Work-site utility vehicles may be operated upon the public highways, streets, roads and alleys within the corporate limits of the city. No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of article 17, chapter 8 of the Kansas Statutes Annotated. Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law. A violation of this section shall be deemed an ordinance traffic infraction. No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver’s license. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, 2009 Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the city may then have in effect.”

Section 2. PENALTY FOR SCHEDULED FINES.

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.
- (b) The judge of the Municipal Court shall in the manner prescribed by K.S.A. 12-4305 and Article 20 of the Standard Traffic Ordinance for Kansas Cities establish a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction. Such fines shall be imposed upon a voluntary entry of appearance and upon a

plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.

Section 3. That Section 25-21 of the Code of the City of Emporia, Kansas, 1983 as it existed prior to the adoption of this ordinance is hereby repealed.

Section 4. This ordinance shall take effect upon its publication in the official City newspaper.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, KS, 1983, as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 5th day of October, 2016.

Rob Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 10

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for October 12, 2016 Study Session

- Residency Policy & Nepotism Policy.
- Discuss Increase in Trans Guest Tax.
- Discuss Possible Public Hearing for Request of Westridge Drive Parking Designation.
- Review Changes to Ordinance Regarding Allowance for Driveway Widths.
- Discuss Lyon County/Emporia Continuity of Operations Disaster Drill.
- Mobilite-Cell Boosters

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 11

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

This is a time for the City Commissioners to make comments and reports to the Public.

ACTION RECORD

Action: _____

Motion: _____ **Second:** _____

Abstained: _____ **Vote:** _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 12

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

City Commission Request an Executive Session to discuss non-elected personnel.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

AGENDA ITEM SUMMARY

MEETING DATE: October 5, 2016

ITEM NUMBER: 13

SUBJECT: Adjourn Meeting

RECOMMENDATION: Adjourn

BACKGROUND SUMMARY:

City Commission Will Adjourn meeting to October 12th.

ACTION RECORD

Action: _____

Motion: _____ **Second:** _____

Abstained: _____ **Vote:** _____
GEITZ _____ GIEFER _____ GILLIGAN _____ HARMON _____ MLYNAR _____

COMMISSION MEETING

7:00 P.M.

SEPTEMBER 21, 2016

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 21, 2016, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Geitz, Giefer, Harmon and Mlynar present. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

Mayor Gilligan reviewed general information for the month of August for the community, including monthly sales tax receipts, CID collections for the Flint Hills Mall, building permits and information.

The following is general information for the month of August for the community:

1- Monthly Local Retail Sales Tax Receipts Update

2015	2016	
\$384,400.99	\$363,657.34	Decrease of \$20,743.65 for the month, and Overall increase of 1.17% from year 2015

2- City Share from County Tax

2015	2016	
\$194,119.42	\$181,145.54	Decrease of \$12,973.88 for the month, and Overall decrease of 0.13% from year 2015

3- Building Permits issued from 8/1/2016 to 8/31/2016 for new construction, remodeling / repairs and demolition.

Total number of building permits issued through Code Services:	38
Total of valuations associated with those building permits:	\$718,874.00
Total number of dollars collected for Building Permit Fees:	\$ 5,464.25

- 2 new single family dwellings
- 1 new duplex
- 2 tear down - single family dwellings

Flint Hills Mall CID for August	\$14,978.74
Year to Date Total	\$17,712.07

Consent Agenda

It was moved by Commissioner Giefer, seconded by Commissioner Harmon that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on August 17, 2016.
- b. Consider ratification of Payroll Ordinance for period ending August 16, 2016.
- c. Consider Approval of August Budget.
- d. Consider Change Order No. 2 for the Warren Way Paving Project No. PV1402.

The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz aye, Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

Ruth Wheeler and Evora Wheeler were in attendance to accept a proclamation declaring October 2, 2016 as "Walk to End Alzheimer's Day" in Emporia. Alzheimer's disease is a progressive degenerative disease of the brain causing memory loss and impaired thinking, judgement and behavior. It is the sixth leading cause of death for older adults. The Heart of America Chapter of the Alzheimer's Association is sponsoring a Walk to End Alzheimer's in Emporia on Sunday, October 2, 2016. They stated the Alzheimer's Association and its volunteers raise funds and promote awareness in the fight against Alzheimer's.

Mayor Gilligan then presented the proclamation.

Kent Heermann, President of the RDA; and Dean Hollenbeck, President of the Flint Hills Technical College were in attendance to accept a proclamation declaring October 6 and 7, 2016 as "Manufacturing Days" in Emporia. They stated Manufacturing Day has been recognized as an effective way to expand knowledge about value manufacturing brings to the Kansas economy and to showcase high-skilled, high-paying manufacturing jobs within Emporia. Manufacturing employees require more education, training and skill development from higher education institutions such as Emporia State

University and Flint Hills Technical College. The Regional Development Association of East Central Kansas, Emporia Area Chamber of Commerce, Flint Hills Technical College, Emporia State University and USD #253 are collaborating with manufactures, educational institutions and other partners to celebrate the success of the manufacturing industry and manufacturing companies in Emporia and Lyon County.

Mayor Gilligan then presented the proclamation.

Representatives from Emporia State University were in attendance to accept a proclamation declaring the month of October as "Texting & Driving - It Can Wait Month" in Emporia. They stated AT&T Kansas has launched a campaign encouraging drivers to take the pledge to not text and drive. The National Highway Traffic Safety Administration states approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving. They stated this program can literally save lives throughout our city, state and country. They encouraged all citizens to commit to refraining from texting while driving by taking the pledge.

Mayor Gilligan then presented the proclamation.

CITY COMMISSION
(Agreement for Reference Station Host)

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this host agreement is for the purpose of allowing Smartnet to take over maintenance of reference station located on the roof of the City Hall building. The reference station provides electronic information to users of the global navigation satellite system for the purposes of establishing coordinates when doing surveying work in the field. He stated Smartnet agrees to install the latest equipment and maintain it at no cost to the City, in exchange for two licenses to be used by City staff for the purpose of survey work. He stated this agreement would essentially remove any need by the City to maintain the reference station in the future. In the event the City does not wish to continue

with the agreement, 60 days after written notice is given, Smartnet will abandon use of the reference station. He stated staff was recommending the Mayor sign the agreement.

Commissioner Geitz made a motion for the Mayor to sign the agreement with Smartnet to take over maintenance of the City's reference station located on the City Hall building. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Assignment of the Development Agreement)
(Emporia Land Development, LLC)**

Jim Witt, Assistant City Manager, was recognized and addressed the Governing Body. The City received notice from Emporia Land Development, LLC, the Developer under a Development Agreement with the City regarding the Emporia Pavilions TIF and CID project. The Developer will assign its rights under the Development Agreement, including the right to receive reimbursement under the Development Agreement from TIF and CID revenues, to Country Club Bank. The assignment is collateral for the construction loan Country Club Bank is making to the Developer to complete the project. This type of collateral assignment is common and is permitted by Article V of the Development Agreement. The assignment does require the consent of the City and the Developer and lender bank have requested the City's consent. The Developer requests that Commission approve the collateral assignment and authorize the Mayor to execute a document evidencing the City's consent. Mary Carson, the developer's attorney and an attorney for the financial institution also recommends approval of the consent.

Following further discussion Commissioner Giefer made a motion authorizing the Mayor to execute a consent to assignment of the Development Agreement between the City and Emporia Land Development, LLC, to County Club Bank, as collateral for the loan Country Club Bank will make to Emporia Land Development for construction of the project. Commissioner Geitz seconded the motion. The vote follows: Commissioner Giefer, aye;

Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

TRAFFIC SAFETY COMMITTEE
(Amending Parking in the Downtown District)
(Ordinance Number 16-37)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO PARKING; AMENDING SECTION 25-85 PARKING IN THE DOWNTOWN DISTRICT, to which the City Clerk assigned Ordinance Number 16-27, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated there is a requested change to the designated parking on Merchant Street between 7th Avenue and 8th Avenue to allow vehicles to park for at least 8 hours. The Joint Traffic Safety Committee met in regular session, on July 18, 2016, and voted 5-3 in favor of changing the parking on that block. This proposed ordinance would change the parking designation on the east side of the street in the 700 block of Merchant to 24-hour parking and leaving the parking on the west side of the street at 2 hour parking as designated. She stated staff is recommending approving the ordinance to allow for the requested change.

Commissioner Mlynar stated she felt that this was speciality parking and this type of request has been turned down in the past and she would not be voting in favor of the amendment now.

Commissioner Giefer stated he would abstain from the vote due to a conflict of interest.

Commissioner Geitz made a motion to approve Ordinance Number 16-37, an ordinance amending parking in the downtown district on the east side of the street between 7th Avenue and 8th Avenue on Merchant street to 24 hour parking. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Commissioner Mlynar, nay. Commissioner Giefer abstained.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

TENTATIVE AGENDA FOR SEPTEMBER 28TH STUDY SESSION

1. Discuss Increase in Transient Guest Tax
2. Wastewater Treatment Plant Update
3. Discuss Changes in MUPP Board Bylaws

Joint Luncheon w/Emporia Main Street

Following discussion it was the consensus of the Commission and staff to cancel the study session scheduled for September 28, 2016 and move all items to the October 12, 2016 study session. The luncheon with Emporia Main Street will be rescheduled.

EXECUTIVE SESSION

Commission Geitz made a motion to adjourn into Executive Session to discuss attorney client privilege from 7:30 p.m to 7:40 p.m., in the City Commission Meeting Room. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 7:40 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed attorney client privilege and no action was taken.

Commissioner Mlynar then made a motion to adjourn. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk